

### **REMARKS/ARGUMENTS**

This Amendment is made in response to the Office Action dated July 7, 2009. In that Office Action, claims 1, 5-16, and 19-23 are rejected as being unpatentable over Slik in view of Lawler in view of Tash. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slik, Lawler, and Tash, in further view of Chen.

Applicant also wishes to thank the Examiner for the time taken in conducting a telephonic interview on Sept. 29, 2009. Various amendments are made in response to the Office Action and the interview.

#### Claim Amendments.

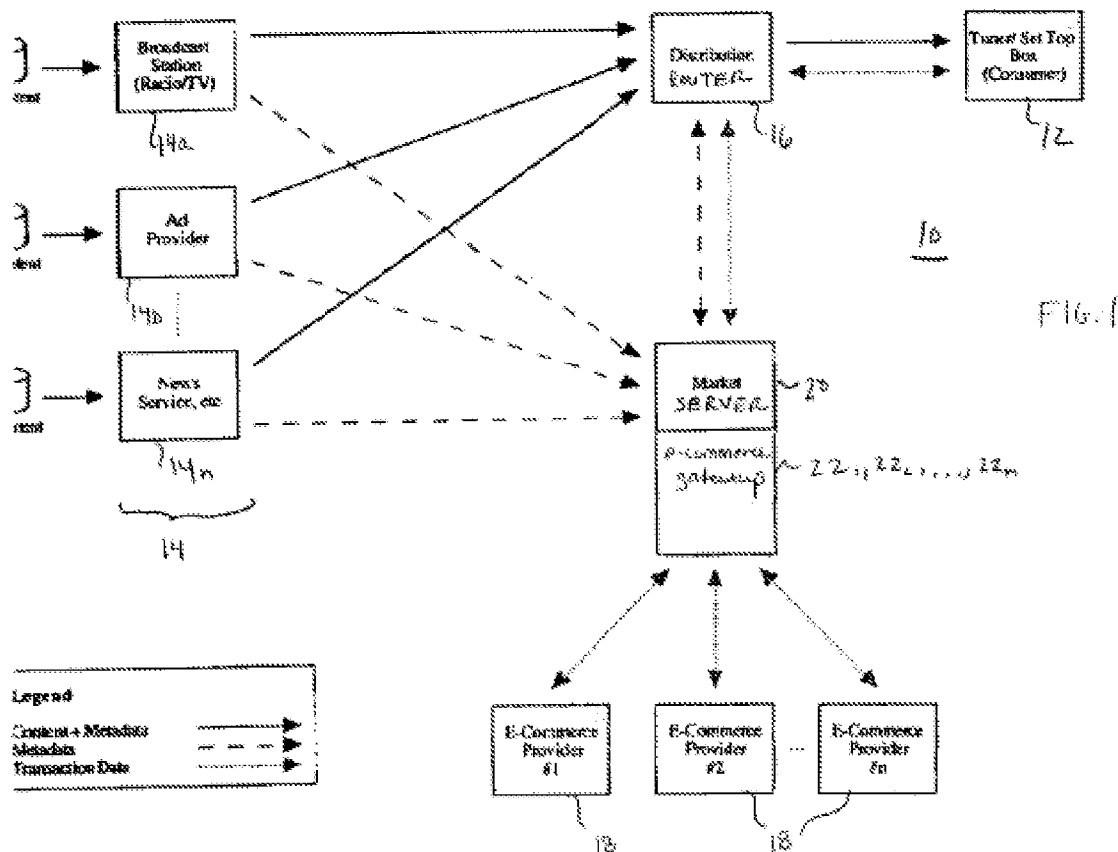
Independent claims 1, 9, and 19 are amended in a similar manner. The independent claims have been amended to clarify that the application program identifier is used to select (“determine”) one of *several application programs*, and once determined, the selected application program then identifies which one of several content servers is used to store the asset.

Applicant submits support for the “several applications” limitation is found at the end of paragraph 37 (based on the published document U.S. Pub. 2002/0104093), and FIG. 3. No new matter is introduced.

Other amendments including reflecting that the components are “configured” to perform an action, as opposed to performing the action, and correcting antecedent basis for the limitations.

#### DISCUSSION

The Office Action alleges Slik discloses a server (OA, p. 2), which upon clarification during the interview, is understood to correspond to one of the Content Providers 14 of Slik (See, FIG. 1 of Slik below).



The Office Action further alleges that the metadata object further comprises an application program identifier identifying an application program executing in a cable headend associated with processing the asset and wherein the structure is understood by the application program identified by the application program identifier. (OA, page 3.)

Claim 1 (as are the other independent claims) has been amended to clarify that the “application program identifier identifying one of a plurality of application programs executing in a cable headend.” Thus, it is explicitly recited that there are a plurality of application programs executing in the cable headend, and that the application program identifier functions to identify one of them. Applicant submits that the limitation associated with the “application program identifier” has been amended to sufficiently distinguish the prior art of record.

If the server corresponds to the Content Provider 14 in FIG 1. of Slik, then to render obvious the claim, Slik would have to disclose an application program identifier in the metadata identifying which of several application programs that would receive and process the asset, and determine which content server to store the asset.

However, Slik does not disclose several application programs executing in the headend, nor several content servers for storing the asset. In Slik, the Content Provider transmits the asset (including content and metadata) to a single distribution router. There is no disclosure of multiple distribution routers being used, nor any disclosure of multiple programs executing in the distribution router. In fact, because Slik does not disclose multiple application programs, there is no expectation or need for Slik to disclose an application program identifier to identify one of the several application programs. Because Slik lacks disclosure of both of these limitations in its disclosure, it cannot survive as the primary reference used in the obviousness allegation.

Further, application of Lawler is not applicable in regard to this aspect. Lawler is cited for a plurality of servers for storing the asset, which is separate from the “application identifier identifying one of a plurality of application programs” limitation, which identifies the one of the plurality of servers.

Similar limitations have been added to independent claims 9 and 19, and the above arguments are applicable to those independent claims. With these amendments, Applicant submits that Slik does not disclose the claim limitation regarding an “application identifier” as recited, and none of the other references disclose this limitation (nor were they cited for that proposition). Hence, Applicant submits that all independent claims are distinguishable from the combination of cited art, and that the dependent claims are all allowable for depending on allowable independent claims.

Appl. No.: 10/053,867  
Amdt. dated October 6, 2009  
Reply to Office Action of July 7, 2009

## **CONCLUSION**

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefor (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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